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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,437	08/04/2003	Paul Alex LaViolette		4546

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Paul A. LaViolette
6369 Beryl Road, # 104
Alexandria, VA 22312

EXAMINER

MANOHARAN, VIRGINIA

ART UNIT PAPER NUMBER

1764

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/633,437	Applicant(s) LAVIOLETTE, PAUL ALEX	
	Examiner Virginia Manoharan	Art Unit 1764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-29, 31-47 and 49-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-29, 31-47 and 49-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application-by-application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: the serial application number, date & etc., of this C-I-P parent application; as well as the provisional application mentioned in the specification, at page 2, under the Cross Reference to Related Applications are not specified in the Oath or Declaration.

[Applicant should also update the status of the parent application indicated at page 2 of 43 in the cross reference to related applications].

The specification is objected to under 37 CFR 1.71 because of the following reasons:

1. The recitation from line 1 to line 17 at page 1 of 43, starting from "Amendments to the Specifications" should be deleted as being improper. (Applicant should instead submit a separate form PTO-1449 listing all the references that are currently listed in the specification).
2. Likewise, at page 4 of 43, lines 6 under Description of Related Application, the phrase "... Note that ...for patentability determination purposes ..." should be deleted as being improper. (The above phrase should be included instead to the IDS statement to be filed in response to this Office action along with the PTO-1449 form as indicated above).

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The specification had not been checked to the extent necessary to determine the presence of all possible minor errors e.g., typographical, grammar, idiomatic, syntax and etc. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The drawings were received on May 18, 2004. These drawings are approved.

Claims 1-4, 6-29, 31-47 and 49-81 are objected to because of the following informalities:

1). In claim 41, line 1, the status identifier such as: "(previously amended)" should be—(Previously presented)—. Also, the "previously added" identifier in claims 60-62, 64, 66 and 68 is improper. Note further the recitations of "previously added and currently amended" in claims 63 and 67 which should be changed simply to—currently amended--.

2). Note typographical error in claim 7, line 2 of "humidifcation".

3). The numerously recited "means to" in the claims should be—means for—the latter is the phrase authorized by 35 USC 6th paragraph. See e.g., claims 11 and 12.

4). The inconsistent used of terminology in the claims is improper. For example: "said layer of feedstock fluid" in claim 16, as opposed to "pool of feedstock fluid" in claim 1, the claim from which it depends. See also the "assemblies" (plural) in claim 18, as opposed to "assembly" (singular) in claim 1.

5). Claim 4, as recited, is in improper Markush language.

--- Wherein R is A, B or C-----; and ----wherein R is selected from a group consisting of A, B, and C -- -would both constitute proper Markush languages.

6). The claimed "humidification" (sic) in claim 7, lacks antecedent support.

Claims 1-4, 6-29, 31-47 and 49-81 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1). The preamble of claim 1 recites "a solar energy collecting assembly" which would presupposed for collection of solar energy only , however, the body of the claim includes an evaporator and a condenser air ducts thereby defining a distillation system, not just a collecting assembly. See also claim 20.

2). The body of claim 65 does not differ substantially from the body of claim 1 as required under 37 CFR 1.75 (b).

3). The preamble of claim 65 recites "A method for distilling feedstock fluid produced from an oil, gas or geothermal well" however, the body of the claim does not recite any manipulative, method or process steps. The body of the claim recites instead structural features of an apparatus resulting in improper method claim.

40). Claim 43 is at odds with the claim from which it depends, i.e., claim 42. Claim 43 recites ".said second heat exchanger means is positioned outside said enclosure and is separately cooled by a flow of air or water...", whereas, claim 42 recites "a second heat exchanger means ... which is positioned inside said enclosure..." which is inconsistent therewith.

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Claims 1-4, 6-29, 31-47 and 49-81 are rejected under 35 U.S.C. 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. are indefinite and nonenabling.

The following recitations in the specification such as:

1) "By comparison, due to its multi-effect design, the ASC is able to achieve a much higher production rate" (page 3 of 43, last paragraph);

2). "The evaporator and condenser air ducts are juxtaposed and share a thermally conductive wall along their length and the wall being made of thin film or of thermally conductive material" (page 4, third full paragraph); and

3). "The idea of an air advection solar still that incorporates inflatable plastic film air ducts as its entire structure, or as a major portion of its structure, is a novel aspect of one construction of this invention;" (page 6, last paragraph)

all appear to be important to applicant's invention, but are not recited in the independent claims such that the scope of enablement is not commensurate with the scope of the claimed invention?

Claims 1-4, 6-29, 31-47 and 49-81 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Manoharan whose telephone number is (571) 272-1450.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V. Manoharan/dh
August 5, 2004


V. MANOHARAN
PRIMARY EXAMINER
ART UNIT 1221 724
8/12/04